

# THE POLITICAL STRUCTURE OF THE SOVIET STATE

## The Government of the Union

by

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*with the aid of the Research Staff of the Foreign Policy Association*

THE predominant position occupied by the Communist party in the Soviet state has occasioned no conflict of authority, since the party, as pointed out in a preceding report,<sup>1</sup> is in practice closely identified with the government. The fact, however, that all significant decisions on Soviet policy emanate not from the constitutional organs of the Union, but from the councils of the Communist party, has gradually restricted the functions of the former to ratification and execution of party mandates. Despite this situation, a study of the constitutional structure of the Soviet state is of interest to students of modern politics.<sup>2</sup>

The U.S.S.R. is a federation composed of seven Union republics,<sup>3</sup> in which Michael Kalinin, president of the R.S.F.S.R. and a member of the *Politbureau*, performs some of the ceremonial functions usually entrusted to the president of a Western republic, such as the reception of ambassadors. The constitution, however, makes no provision for a president, and entrusts "supreme authority" to the All-Union Congress of Soviets; the latter delegates its legislative powers to a Central Executive Committee which it elects, and its executive powers to a Council of People's Commissars, appointed by the Central Executive Committee.

1. Cf. Vera M. Dean, "The Political Structure of the Soviet State: The Communist Party," *Foreign Policy Reports*, Vol. VIII, No. 1, March 16, 1932.

2. Soviet literature on the structure of the federal government consists for the most part of works which merely expound the principal provisions of the Union constitution and make little or no attempt to give a critical analysis. Cf. I. N. Ananov, *Ocherki Federal'nogo Upravleniya S.S.S.R.* (Sketches of the Federal Government of the U.S.S.R.), Leningrad, State Publishing House, 1925; G. S. Gurvich, *Sovetskoe Gosudarstvennoe Ustroistvo* (The Organization of the Soviet State), Moscow, "Soviet Power," 1930; V. I. Ignatiev, *Sovetskii Stroi* (The Soviet Order), Moscow, State Publishing House, 1928; D. A. Magerovski, *Soyuz S.S.S.R.* (The U.S.S.R.), Moscow, 1923. For an English work on the subject, cf. Walter R. Batsell, *Soviet Rule in Russia* (New York, Macmillan, 1929), which is valuable chiefly for its translations of Soviet laws and constitutions. For articles on current problems of government organization, cf. *Sovetskoe Stroitel'stvo* (Soviet Construction), a monthly magazine published by the Central Executive Committee of the U.S.S.R. since 1926, and *Izvestia*, the daily organ of the Central Executive Committee.

3. For a discussion of the powers exercised respectively by the Union government and by the constituent republics, cf. Dean, "The Political Structure of the Soviet State: The Communist Party," cited, p. 5-6.

The administrative system of the Union consists of soviets grouped in a pyramidal formation, with village, town and factory soviets at the base and the All-Union Congress at the apex. The soviet, the only form of organization known to Soviet constitutional law, is a council elected by the "laboring masses" which exercises executive and legislative powers within its jurisdiction, and which meets periodically to examine and ratify the acts and policies of government officials. During intervals between sessions, each soviet is represented by a central executive committee which it elects and, in the more important administrative units, by a smaller body, known as the "presidium."

### SOVIET ELECTORAL PROCEDURE

The election of delegates from the lower to the higher soviets or, to use Soviet terminology, the "re-election of soviets," which is held every two years, is a complicated process which usually takes three months. The whole Union has been re-districted into administrative units which are made to coincide as much as possible with the economic divisions of the country. At the present time village, town and factory soviets elect delegates to the district (*raion*) soviets; the latter send delegates to the regional (*krai* or *oblast*) congress of soviets, to which delegates are also elected directly by town and factory soviets. The regional congress, in turn, elects delegates both to the congress of the Union republic in which it is situated and to the All-Union Congress to which delegates are directly elected by town and factory soviets.<sup>4</sup>

The class character of the Soviet state is strikingly illustrated by the Soviet electoral

4. Cf. chart, p. 17. The district (*okrug*) which formerly stood midway between the *raion* and the *krai* was abolished in 1930, when the functions of the *okrug* soviets were transferred in large part to the *raion* soviets. Cf. "Likvidatsia Okrugov" (The "Liquidation" of *Okrugs*), *Sovetskoe Stroitel'stvo*, August 1930, p. 4; P. Zaitsev, "Likvidatsia Okrugov i Ukreplenie Raionov" (The "Liquidation" of *Okrugs* and the Strengthening of *Raions*), *ibid.*, December 1930, p. 35.

system which is marked by three distinctive features: the vote is granted only to the "laboring" population; voting takes place on an occupational, rather than a territorial, basis; and the workers enjoy an advantage over the peasants with respect both to the number of delegates whom they may elect and to the manner in which they elect them.

According to Soviet political theory, the vote is not a right, but a social function, and constitutes the most effective weapon for the protection of the economic interests of the laboring masses.<sup>5</sup> The vote is therefore granted to all citizens, irrespective of sex, religion or nationality, who have reached the age of eighteen and who either earn their livelihood by "productive work useful to society" or are enlisted in the Soviet armed forces.<sup>6</sup> In addition, foreign workers and peasants residing in the Soviet Union likewise enjoy the right to vote. Of an estimated total population of 160,000,000, over 84,000,000 were registered as voters in the 1931 elections, and 60,945,000, or 71.8 per cent of the voters, went to the polls.<sup>7</sup>

Disfranchisement, which at present affects some 8,000,000 persons, may be based on political or economic considerations. The political category includes all those directly or indirectly associated with the Tsarist order, notably members of the Romanov dynasty, employees of the former police and gendarmerie, organizers of punitive expeditions, agents of counter-revolutionary governments, such as those of Kolchak and Denikin, officers and employees of the White armies, and finally monks, nuns and clergymen of all religious denominations.<sup>8</sup> The category of persons disfranchised for economic reasons has proved very elastic, and has accurately reflected the government's economic policy at any given time. Broadly speaking, it includes all those who employ

hired labor for profit, who live on an unearned income such as interest on capital, profits from industrial enterprises or real estate, etc., or who engage in private trade.<sup>9</sup> These general provisions, however, have been altered and amplified from time to time by instructions issued on the eve of elections by the Presidium of the Central Executive Committee of the Union and by corresponding organs of the Union republics.<sup>10</sup> Since 1925 disfranchisement based on economic considerations has been extended to *kulaks* (so-called "rich peasants") and to handicraftsmen employing hired labor. Petty traders and members of free professions engaged in "socially useful" work are exempt from disfranchisement.

The government has been careful to point out that lists of disfranchised persons should be drawn up exclusively by local electoral commissions on the basis of information furnished by local soviets, administrative organs and courts, and not by factory committees, collective farms or other unofficial groups.<sup>11</sup> Despite government regulations, however, local soviets have frequently used their own discretion in according or withholding the franchise, and local officials have on occasion resorted to disfranchisement for the purpose of avenging personal grievances.<sup>12</sup> Disfranchisement, as a rule, is regarded as a form of social ostracism, and is usually accompanied by deprivation of ration cards, medical aid and housing facilities, exclusion of the children of the disfranchised from schools, and even eviction from village or city. To correct this tendency, the government decreed in 1930 that the disfranchised and their families should not be subjected to material hardships, and that children of the disfranchised who have come of age since 1925 should be granted the vote provided they are independently engaged in socially useful labor.<sup>13</sup>

5. S. M. Brodovich, *Sovetskoe Izbiratelnoe Pravo* (Soviet Electoral Law), Leningrad, State Publishing House, 1925; G. S. Gurvich, *Istoriya Sovetskoi Konstitutsii* (History of the Soviet Constitution), Moscow, Socialist Academy, 1923, p. 46.

6. Cf. Article 64 of the constitution of the R.S.F.S.R.; Batsell, *Soviet Rule in Russia*, cited, p. 80; and corresponding articles in the constitutions of the other Union republics. Persons engaged in domestic pursuits are included in the category of those performing productive work.

7. *Bulleten Vnutrennei Informatsii* (Bulletin of Internal Information), Press Department of the People's Commissariat of Foreign Affairs, No. 23 (442), May 10, 1931, p. 5.

8. Article 65 of the constitution of the R.S.F.S.R.; Instruction of the Presidium of the Central Executive Committee of the U.S.S.R. Regarding Elections to the Soviets, January 16, 1925, *Sobranie Zakonov i Rasporiazhenii Raboche-Krestianskovo Pravitelstva* (Collection of Laws and Regulations of the Workers' and Peasants' Government), 1925, Part I, p. 103; Instruction of the Presidium of the Central Executive Committee of the U.S.S.R., September 28, 1926, *ibid.*, 1926, Part I, No. 66, p. 1209.

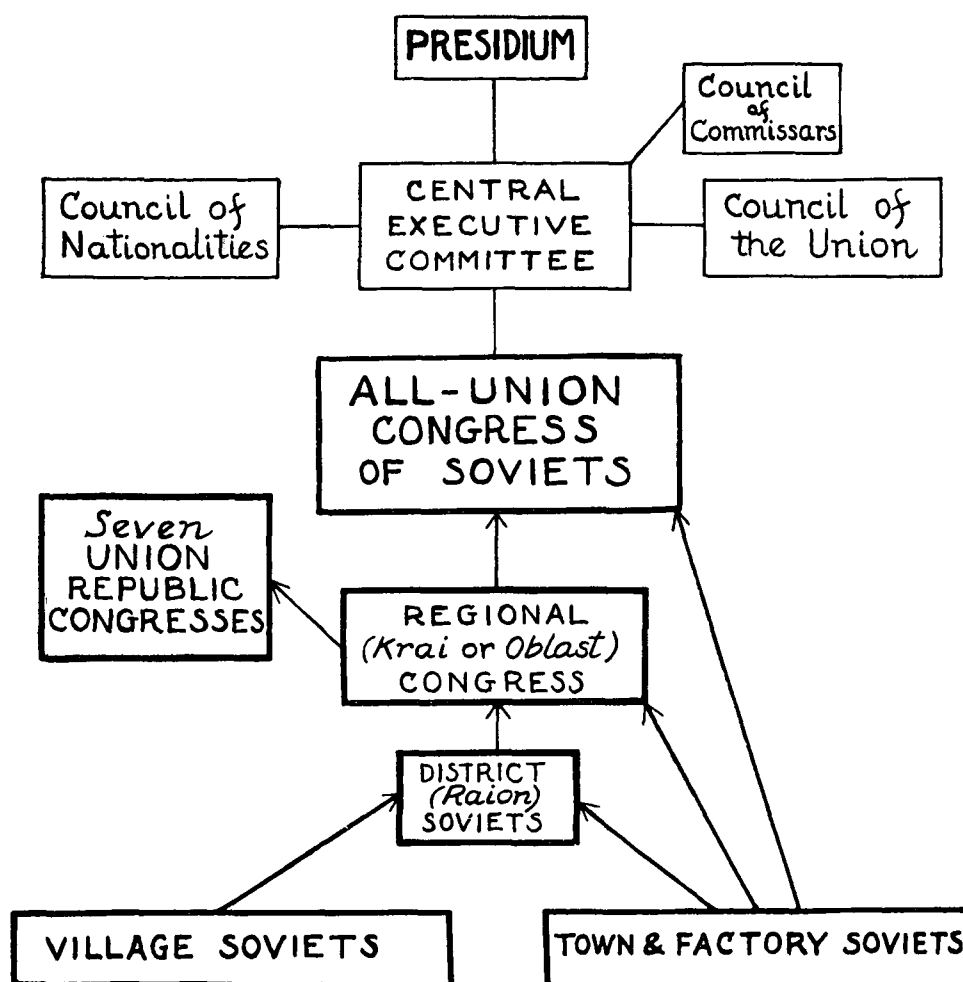
9. Article 65 of the constitution of the R.S.F.S.R.

10. Instructions of the Presidium of the Central Executive Committee of the U.S.S.R., January 16, 1925, and September 28, 1926, cited. It is estimated that 3.2 per cent of the total population in the villages of the R.S.F.S.R. were disfranchised in the 1931 elections.

11. Instruction of the Presidium of the Central Executive Committee of the U.S.S.R., January 16, 1925, cited; Regulation of the Central Executive Committee of the U.S.S.R. for the Removal of Violations of the Electoral Legislation of the U.S.S.R., March 22, 1930, *Sobranie Zakonov*, cited, 1930, Part I, p. 360.

12. "Zakon o Lisheni Izbiratelnykh Prav i Narusheniya Ego na Praktike" (The Law Regarding Disfranchisement and Its Violations in Practice), *Sovetskoe Stroitel'stvo*, May 1930, p. 1.

13. Regulations of the Central Executive Committee of the U.S.S.R. for the Removal of Violations of Electoral Legislation of the U.S.S.R., March 22, 1930, cited.



The Soviet Electoral System

The details of elections, such as time, place and manner of procedure are fixed by electoral commissions appointed in each administrative unit by the latter's executive committee.<sup>16</sup> The electoral commissions are composed of from seven to twenty-one members, depending on the nature of the administrative unit, chosen from the local executive committee, trade and professional unions, the Communist League of Youth, town soviets, peasant organizations, national minorities and the Red Army. The percentage of Communists in the electoral commissions ranged in 1931 from 32.1 for village commissions to 70.1 for regional commissions.<sup>17</sup>

Voting takes place on an occupational rather than a territorial basis, electoral assemblies being held in factories, offices, trade

union headquarters, collective farms and other production units. An exception to this general rule is made only for "unorganized" citizens, such as housewives and handicraftsmen, who vote territorially by districts. The advantage of this system, from the point of view of the Soviet government, lies in the fact that the voters do not disperse after the elections, but remain in close contact with each other, and are thus in a better position to exercise continuous control over their delegates, and to recall them if necessary. In 1930 the percent-

age of recalls ranged from 8.3 in some regions of Central Russia to 65.8 in the North Caucasus. The chief ground given for recall was lack of political activity on the part of the delegates.<sup>18</sup>

Elections must always be held in the presence of the electoral commission, which records the votes cast. Candidates may be nominated either before elections or at the electoral meeting itself by party and professional organizations as well as by individual citizens, but never by the electoral commission. Opposition groups and even factions of the party regarded as inimical to the "party line" are given no opportunity to present their views to the voters. Elections are usually open, the vote being taken by a show of hands; candidates receiving a majority of votes are declared elected.

16. Instruction of the Presidium of the Central Executive Committee of the U.S.S.R. Regarding Elections to the Soviets, September 28, 1926, cited.

17. P. Zaitsev, "Predvaritelnye Itogi Perevborov Sovietov" (Preliminary Results of Re-Elections of the Soviets), *Sovetskoe Stroitelstvo*, cited, March 1931, p. 108.

18. *Kalendar-Ezhegodnik Kommunist na 1931 God* (Calendar of the Communist for 1931), Moscow, "The Moscow Worker," 1931, p. 225.

In every election, be it to the village or factory soviet or to the All-Union Congress, the workers enjoy three distinct advantages over the peasants: delegates are assigned to workers in proportion to the number of voters in a given administrative district, not, as in the case of peasants, in proportion to the total population; at every stage of the Soviet hierarchy, the workers elect five delegates to every one delegate elected by the peasants; finally, town and factory soviets, which consist predominantly of workers, elect delegates directly to the All-Union Congress, while delegates elected by the village soviets must pass through several intermediary stages before reaching the Congress. The electoral privileges accorded to the workers are regarded by Soviet spokesmen as a necessary feature of the transition period, when the workers must assume leadership over the peasants who lack class-consciousness and retain "petty bourgeois" interests. It is argued that when the peasants have reached the economic and cultural level of the workers, the existing differences between the voting powers of the two groups will gradually disappear.<sup>19</sup> This argument is supported by the marked disproportion which exists at present between the percentage of Communists elected to village and town soviets: in the 1931 elections it was estimated that only 20 per cent of the membership of village soviets in the R.S.F.S.R. consisted of Communists and *Komsomols*, as compared with over 50 per cent in town soviets.<sup>20</sup> The percentage of Communists increases perceptibly in the higher organs of the system of soviets; 75.2 per cent of the delegates to the Sixth All-Union Congress held in 1931 were members of the Communist party and the *Komsomol*. The predominance of workers in the soviets was likewise reflected in the composition of the Sixth All-Union Congress, of which 54.7 per cent were industrial workers, 25.9 peasants, and 19.4 employees and intellectuals.

Despite the fact that non-Communists are elected to the soviets, the latter are regarded primarily as organs for the fulfilment of the "ideals, program and orders" of the Com-

munist party.<sup>21</sup> In the opinion of Soviet writers, the soviet is an institution in which workers and peasants are united with the vanguard of the proletariat—the Communist party—under the leadership of the latter.<sup>22</sup> Soviet spokesmen, however, deny the contention of Western critics that the soviets constitute a dictatorship not of the proletariat, but of the Communist party. They argue that the soviets, through which the laboring masses are for the first time in history admitted to active participation in the government, represent the highest form of "proletarian democracy."<sup>23</sup> Elections to the soviets are consequently viewed not as a sham procedure whose results are practically pre-determined, but as "the most important school for the political education of the laboring masses."<sup>24</sup> Government and party organs bend every effort to acquaint the masses with the rudiments of "political grammar"—the Soviet constitution, the Communist party program and the Five-Year Plan. All available agencies—schools, clubs, trade unions, the press, the radio, the theatre, the movies—are enlisted in the gigantic task of training a population, forty per cent of which are still illiterate, to exercise the function of voting.<sup>25</sup> The elections themselves are utilized to focus the attention of the masses on problems of immediate importance, whether defects in transportation or the progress of collectivization: while Soviet achievements are extolled, no marked attempt is made to disguise existing difficulties. In short, the voters are constantly urged to take an active part in the work of a state whose policies, however, are ultimately controlled not by the elected soviets, but by the self-perpetuating inner group which rules the Communist party.

#### ALL-UNION CONGRESS OF SOVIETS

The All-Union Congress, which usually numbers about two thousand delegates, approximately seventy-five per cent of whom

19. S. M. Brodovich, *Sovetskoe Izбирatelnoe Pravo*, cited; F. A. Shuiski, *Partiya i Sovety* (The Party and the Soviets), Moscow, State Publishing House, 1927, p. 47-48.

20. P. Zaitsev, "Predvaritelnye Itogi Perevyborov Sovetov," cited, p. 112.

21. Cf. *Izvestia*, December 7, 1930. The plenum of the Central Committee of the Communist party declared in December 1930 that the soviets should become channels for the "party line," and should be irreconcilably hostile to both Right and Left "opportunism." *Ibid.*, January 16, 1931.

22. *Ibid.*, December 7, 1930; Shuiski, *Partiya i Sovety*, cited, p. 53.

23. Shuiski, *Partiya i Sovety*, cited, p. 54.

24. Resolution of the Third Congress of Soviets of the U.S.S.R. Regarding Improvement of the Work of the Soviets, May 20, 1925, *Sobranie Zakonov*, cited, 1925, Part I, p. 544.

25. For a detailed study of Soviet methods of political education, cf. Samuel N. Harper, *Civic Training in Soviet Russia* (Chicago, University of Chicago Press, 1929).



are Communists, is too unwieldy to exercise real power, and consequently meets only once in two years to receive reports by government officials on such subjects as foreign and domestic policy, the progress of the Five-Year Plan in various branches of national economy and the status of the Red Army, to ratify the acts of the government, and to elect a Central Executive Committee.<sup>26</sup>

In intervals between sessions, the All-Union Congress is represented by its Central Executive Committee (TSIK) which usually meets three times a year, for a week or so at a time, and which exercises legislative powers.<sup>27</sup> The Central Executive Committee consists of two chambers: the Council of the Union, composed of 414 members elected by the All-Union Congress from representatives of the Union republics in proportion to population, and the Council of Nationalities, composed of 139 members—five from each of the autonomous republics and one from each of the autonomous regions of the Union. In both of these bodies the R.S.F.S.R. enjoys a marked preponderance, by reason of its large population and of the number of its component republics and regions. The Central Executive Committee elects seven chairmen, one for each of the Union republics,<sup>28</sup> who serve in rotation, and a Presidium of twenty-seven members which must include the presidiums of the Council of the Union and the Council of Nationalities. The Presidium acts on behalf of the TSIK when the latter is not in session.

While the Council of Nationalities is charged with the special task of protecting the interests of the various national groups in the Union, the two chambers enjoy equal powers with respect to legislation. Projects of law are generally first presented by the Council of People's Commissars, individual

commissariats and other government institutions to the Presidium, which after preliminary study submits them to the two chambers of the Central Executive Committee at a joint session. Debates on proposed legislation usually take place at separate sessions of the two chambers. A bill is considered passed when it receives a majority of the votes of those present in each chamber.

### COUNCIL OF PEOPLE'S COMMISSARS

While the legislative functions of the Central Executive Committee are in large part performed by the Presidium, its executive powers are exercised by the All-Union Council of People's Commissars (*Sovnarkom*) which it appoints, and which corresponds to the cabinet of Western states.<sup>30</sup> According to Soviet law, the people's commissars, whose position is similar to that of Western cabinet ministers, are appointed by and responsible to the Central Executive Committee of the Union. In practice, however, the Communist party exercises a decisive influence over appointments to the Council of People's Commissars. In 1930 when Rykov, who had succeeded Lenin as president of the Council—a position analogous to that of premier in parliamentary governments—was censured by the party for his support of the Right Opposition, he was forced to resign his office in favor of Vyacheslav Molotov, a close adherent of Stalin's, who continues to occupy that post.<sup>31</sup> The Council of People's Commissars is charged with the execution of all measures necessary for the general administration of the Union, preliminary examination of all projects of law submitted to the Presidium and the Central Executive Committee, particularly those concerning the introduction of new or the increase of already existing taxes, and the preparation of the All-Union budget.

The Council of People's Commissars consists of two types of people's commissariats: All-Union commissariats which are common to the whole Union, and unified commissariats, which are duplicated in every Union re-

26. The All-Union Congress has met six times since the establishment of the Union—in 1922, when the only item on its agenda was the ratification of the treaty of union, in 1924, 1925, 1927, 1929 and 1931. The congresses of the Union republics generally meet once a year. For the work of the All-Union Congress of Soviets, cf. the stenographic reports of the six congresses held to date, published by the Central Executive Committee under the title *Syezd Sovetov S.S.S.R.* (The Congress of Soviets of the U.S.S.R.)

27. For the provisions governing the organization and powers of the TSIK, cf. Chapter IV of the Union constitution and the standing orders of the TSIK, November 12, 1923, *Sbornik Postanovlenii i Rasporiazhenii*, cited, 1923, Part I, No. 21, p. 331. For an English text of the standing orders, cf. Batsell, *Soviet Rule in Russia*, cited, p. 527. The TSIK publishes separate stenographic reports of each of its sessions, e.g., *Pervaya Sessia Tsentralnogo Iсполnitel'nogo Komiteta Pyatovo Soyeza* (First Session of the Fifth Central Executive Committee), Moscow, 1929.

28. Michael Kalinin. President of the R.S.F.S.R., occupies the position of senior chairman.

30. For the provisions governing the organization and functions of the Council of People's Commissars, cf. Chapter VI of the Union constitution and the decree of November 12, 1923, establishing the Council. *Sbornik Postanovlenii i Rasporiazhenii Raboche-Krestianskovo Pravitelstva S.S.S.R.* (Collection of Decrees and Regulations of the Workers' and Peasants' Government of the U.S.S.R.), 1923, No. 21, p. 340.

31. A few months later, when the party's attack on the "Right heresy" had somewhat abated, Rykov was permitted to return to the Council of People's Commissars as commissar for posts and telegraphs.

public.<sup>32</sup> The All-Union commissariats at present include foreign affairs, war and navy, internal supply, foreign trade,<sup>33</sup> transportation, waterways,<sup>34</sup> posts and telegraphs, and agriculture,<sup>35</sup> while the unified commissariats include the commissariats for heavy and light industry, lumber, labor, finance, workmen's and peasants' inspection, and the central statistical administration.<sup>36</sup> The administration of justice, health and social welfare, which lie within the jurisdiction of the Union republics, is entrusted exclusively to Union republican commissariats.<sup>37</sup>

Each of the All-Union commissariats maintains close contacts with the several Union republics through a representative named either by the Union commissariat or by the central executive committee of each republic. This representative, who usually acts in an advisory capacity, is responsible not only to the All-Union Council of People's Commissars, but to the government of the republic to which he is accredited as well. Each of the Union republics, in addition, maintains a permanent representative in Moscow, who may participate in the work of the All-Union Council of People's Com-

missars whenever the interests of his government are at stake.<sup>38</sup>

Unlike the All-Union commissariats, the unified commissariats perform their functions in the Union republics through corresponding commissariats appointed and dismissed solely by the central executive committee of each republic. The republican commissariats, however, must execute the directions of the unified commissariats, which supervise their work and may suspend or repeal their decrees.<sup>39</sup> The central executive committee of each Union republic, for its part, may suspend the application of decrees issued by unified commissariats when these conflict with the Union constitution or laws, or with republican legislation.

#### COUNCIL OF LABOR AND DEFENSE

It would be impossible, within the scope of this report, to examine the organization and functions of each Soviet commissariat in detail. Particular interest, however, attaches to those departments and commissions of the Council of People's Commissars which are concerned with the application of planned economy and with protection of the Soviet order—notably the Council of Labor and Defense, the State Planning Commission, the Commissariat of Workers' and Peasants' Inspection and the State Political Administration. The Council of Labor and Defense (STO) which, while not a commissariat, is attached to the Council of People's Commissars, occupies a pivotal position in the Soviet system, and may be regarded as the general staff of the economic as well as the armed forces of the Union.<sup>40</sup> Its principal function is to formulate the economic and financial plans of the Union, to alter these plans in accordance with existing economic and political conditions, and to exercise immediate supervision over the performance by the various commissariats of economic policies and measures concerning defense.<sup>41</sup> The importance of the STO may be

32. Decree on the General Act Organizing the People's Commissariats of the U.S.S.R., *Sbornik Postanovlenii i Rasporiazhenii*, cited, 1923, No. 21, p. 341; Batsell, *Soviet Rule in Russia*, cited, p. 599.

33. The commissariats for foreign and domestic trade have undergone several transformations since the establishment of the Union. The decree of November 12, 1923 provided for an All-Union commissariat of foreign trade and a unified commissariat of internal trade, which was to take the place of the former commissariat for food. These two commissariats were combined in 1925 into a unified commissariat for foreign and domestic trade. In 1930, however, when the distribution of goods on the domestic market became particularly pressing, this commissariat was divided into the present commissariats for supply and for foreign trade.

34. In 1930, when transportation proved inadequate for the needs of an expanding industry and agriculture, the former All-Union commissariat for communications was divided into two commissariats—transportation (railways and roads) and waterways.

35. The commissariat for agriculture was established in 1929, when the Soviet government launched its drive for collectivization. Until that time agriculture had been within the competence of the several republics.

36. The Council of People's Commissars is at present composed as follows: President, V. M. Molotov; Foreign Affairs, M. M. Litvinov; War and Navy, K. E. Voroshilov; Internal Supply, A. I. Mikoyan; Foreign Trade, A. P. Rosengolz; Transportation, A. A. Andreyev; Waterways, N. M. Yanson; Posts and Telegraphs, A. I. Rykov; Agriculture, Y. A. Yakovlev; Heavy Industry, G. K. Ordjonikidze; Light Industry, I. E. Liubimov; Labor, A. M. Tsiikhon; Finance, G. F. Grinko; Workmen's and Peasants' Inspection, Y. E. Rudzutak; Lumber, S. S. Lobov; Chairman of State Planning Commission, V. V. Kuibyshev. In addition to the people's commissars, who have a deciding vote, the presidents of the State Planning Commission, the State Political Administration (OGPU), the All-Union Council of Trade Unions and the State Bank, as well as several other government officials, may participate in the work of the *Sovnarkom* in an advisory capacity.

37. In 1930 the Union government abolished the Union republican commissariats of internal affairs on the ground that the functions of Western ministries of the interior are performed in the Soviet state by the Supreme Economic Council (since then divided into three commissariats—heavy and light industry, and lumber) and by the Commissariat of Agriculture, "laboratories of Soviet internal policy," and by organs of the Communist party. Cf. V. Vassiliev, "Likvidatsia Narodnykh Komissariatov Vnutrennykh Del" (The "Liquidation" of People's Commissariats of Internal Affairs), *Sovetskoe Stroitel'stvo*, January 1931, p. 25.

38. Ananov, *Ocherki Federal'nogo Ustroistva S.S.S.R.*, cited, p. 45 et seq.

39. An exception is made for decrees of republican commissariats based on orders issued by the republican council of people's commissars; the only action which the unified commissariat may take with respect to such decrees is to register a protest against them with the All-Union Council of People's Commissars.

40. The organization and functions of the Council of Labor and Defense are defined in a decree of August 21, 1923; *Sbornik Postanovlenii i Rasporiazhenii*, cited, 1923, No. 13, p. 216. An English text of this decree is found in Batsell, *Soviet Rule in Russia*, cited, p. 620.

41. Arkhipov, *Zakon v Sovetskom Gosudarstve* (Law in the Soviet State), cited, p. 106.

measured by the fact that Stalin, who had hitherto occupied no post in the government, became a member of the STO in 1930.

#### The State Planning Commission

The planning functions of the STO are performed by a special organ, the State Planning Commission (*Gosplan*), which coordinates the plans of the several republics as well as all enterprises and undertakings in the Union, drafts "a common Union perspective plan" in collaboration with a whole network of regional and local planning bodies, and supervises the execution of the plan.<sup>42</sup> The possibility of establishing a system of "planned economy" which alone, in Lenin's opinion, would permit the transformation of Russia from a backward agricultural country into a modern industrial and socialist state, received serious consideration after 1920, when a plan for the electrification of the country was first elaborated. The *Gosplan*, charged with the examination and correlation of data on this subject, prepared a preliminary draft for a Five-Year Plan intended to cover the period 1927-1932. This draft, amended and corrected, served as the basis for the current Five-Year Plan, inaugurated on October 1, 1928.<sup>43</sup> The plan contains detailed programs for the development of every branch of national economy—industry, agriculture, finance, transportation, etc.—and for simultaneous development in all fields of social activity, notably education. The figures originally set by the plan, which include maximum and minimum "variants," are checked annually by "control figures," prepared on the basis of actual results achieved during the past year, and these "control figures" in turn serve as a

basis for altering the estimates of the plan for the following year. The current Five-Year Plan is regarded as but a prologue to a vast program of economic development to be elaborated in successive Five-Year Plans, the second of which was approved in its main points by the Seventeenth Conference of the Communist party in January 1932 and is now being completed by the *Gosplan*.

In addition to the organs specifically charged with the administration of "planned economy," the commissariats of the Union and of the constituent republics, as well as subordinate government institutions, perform important planning functions in their respective fields, subject to the control of the *Gosplan* and the STO. The administration and regulation of state industries, with the notable exception of industries engaged in the production of foodstuffs, controlled by the Commissariat for Internal Supply, were entrusted until recently to the Supreme Economic Council, which was duplicated by economic councils in the Union republics, and was responsible to the Council for Labor and Defense. On January 5, 1932, however, the Supreme Economic Council was broken up into three unified commissariats—heavy industry, light industry and lumber.<sup>44</sup> Each of these commissariats will now plan and supervise the work of the plants, trusts and industrial combinations within its field, will regulate the distribution of government credits among them, and will assist the State Planning Commission with the preparation of annual "control" figures. Similarly the Commissariat of Foreign Trade, which applies the Soviet government's foreign trade monopoly, annually draws up a plan of exports and imports in conformity with the country's economic condition.<sup>45</sup>

#### Financial Planning

Financial planning is entrusted to the Commissariat of Finance which, after consultation with other Union commissariats and with representatives of the Council of Labor and Defense, the State Planning Commission and the Union republics, annually prepares a "unified state budget"<sup>46</sup> which,

42. The organization and functions of the State Planning Commission are defined in a decree of August 21, 1923; U.S.S.R., *Sbornik Postanovlenii i Rasporiazhenii*, cited, 1923, No. 13. An English text of this decree is found in Batsell, *Soviet Rule in Russia*, cited, p. 618.

43. The date on which the Five-Year Plan is scheduled to terminate was originally set as September 30, 1933; this date, however, was shifted in 1930 to December 31, 1933, when the fiscal year was changed to coincide with the calendar year, and then to December 31, 1932, when the slogan "The Five-Year Plan in Four Years" was introduced. For the text of the Five-Year Plan, cf. U.S.S.R., *Piatiletnyi Plan Narodno-Khozyaystvennogo Stroitelstva S.S.S.R.* (The Five-Year Plan of National Economic Construction of the U.S.S.R.), 3 volumes, Moscow, "Planned Economy," 1929. For a summary of the Five-Year Plan in English, cf. *The Soviet Union Looks Ahead* (New York, Liveright, 1929). The economic aspects of the Five-Year Plan, which lie outside the scope of this study, have been analyzed in a number of books, the most valuable of which are W. H. Chamberlin, *The Soviet Planned Economic Order* (Boston, World Peace Foundation, 1931); Michael Farberman, *Piatiletka: Russia's Five-Year Plan* (New York, The New Republic, 1931); G. F. Grinko, *The Five Year Plan of the Soviet Union* (New York, International Publishers, 1930); and Calvin B. Hoover, *The Economic Life of Soviet Russia* (New York, Macmillan, 1931).

44. *New York Times*, January 6, 1932.

45. For a detailed analysis of the work of the Commissariat of Foreign Trade, cf. Vera M. Dean, "Foreign Trade Policy of the Soviet Government," F. P. A. *Information Service*, Volume VI, No. 20, December 10, 1930.

46. S. A. Kotlyarevskii, *Budget S.S.S.R.* (The Budget of the U.S.S.R.), Leningrad, State Publishing House, 1925; *Idem.*, *Budjetnoe Pravo R.S.F.S.R. i S.S.S.R.* (The Budget Law of the



like Western budgets, contains estimates of revenue and expenditures. The Union budget for 1932, approved by the Central Executive Committee in December 1931, totaled 27,541,966,000 rubles.<sup>47</sup>

Soviet revenue is derived from two sources: taxation, which was estimated to yield 16,753,600,000 rubles in 1932, and the income of various state enterprises and undertakings, which was expected to total 6,320,966,000 rubles for the same year. The most profitable Soviet taxes are the business turnover tax (15,126,000,000 rubles), the agricultural tax (600,000,000 rubles), and customs duties (120,000,000 rubles). In addition, the Soviet government levies trade and industry, general income and excess profits taxes, as well as a special tax for cultural needs (800,000,000 rubles). The principal items in the non-taxation category are the income from transportation (2,968,800,000 rubles) and the administration of posts and telegraphs (725,000,000), revenue derived from state industries (793,900,000), state credit institutions (154,300,000), internal trade controlled by the state (175,000,000), and state loans (4,342,400,000).

Nearly three-quarters of the Soviet budget is expended on the financing of national economy: 8,106,600,000 rubles will be assigned for state industries in 1932; 3,482,150,000 for agriculture (including state and collective farms); 2,802,000,000 for enterprises directed by the Commissariat for Internal Supply; 2,486,966,000 for the Commissariat of Transportation; and 698,412,000 for the Commissariat of Posts and Telegraphs. Of the other quarter, 1,403,471,000 rubles will be applied to education, 1,498,600,000 will be contributed by the Union government to local budgets,<sup>48</sup> which bear the principal expense of health, social welfare and education administration, while 1,278,500,000 will be expended on the army and navy, and 118,000,000 for a "special militia,"

which is understood to include the troops of the OGPU.

The Soviet budget thus serves as an agency for collecting revenue from taxes and from profitable state enterprises, such as light industry, and for redistributing capital among state undertakings which are most in need of financial assistance, notably heavy industry and transportation. The financing of Soviet industry, trade and agriculture is effected through four main banks, all operated by the state, of which the State Bank established in 1921 is the most important. The State Bank issues banknotes (*chervontzi*), regulates currency circulation, and provides over eighty per cent of the short-term credits extended in the Soviet Union.<sup>49</sup> Long-term credits are granted to industry by the Long-Term Credit Bank for Industry and Electrification and to agricultural enterprises by the State Bank, while foreign trade is financed by the Bank for Foreign Trade, and housing projects by the Central Municipal and Housing Bank.

#### COMMISSARIAT OF WORKERS' AND PEASANTS' INSPECTION

The vastness and multiplicity of the tasks which the state would be called on to perform under socialism, and the consequent development of a stifling bureaucracy, have frequently been regarded as an insuperable obstacle to the establishment of an efficient socialist state. The extent to which the Soviet government is aware of this danger may be judged by the virulence of the "self-criticism" which is constantly directed against red tape and routine performance of administrative duties. The extirpation of bureaucracy which, if unchecked, might seriously jeopardize the country's economic life, is regarded as so important that a special organ, the Commissariat of Workers' and Peasants' Inspection (RKI), has been charged with the task of investigating the administration of all government institutions, of offering constructive criticism for the improvement of the state apparatus, and of adjusting the latter to the needs of socialist construction.<sup>50</sup> The RKI is empowered

R.S.F.S.R. and the U.S.S.R.), Moscow, State Publishing House, 1924; Chamberlin, *The Soviet Planned Economic Order*, cited, p. 36.

47. Decree of the Central Executive Committee approving the budget and the financial plan for 1932, *Izvestia*, December 29, 1931. The gold ruble at par is quoted at 51 cents.

48. Grants from the Union budget (which includes the budgets of the seven Union republics) to "local budgets" are intended to cover the annual deficit hitherto experienced by each of the Union republics. An attempt to avoid the recurrence of these deficits—and thus relieve the Union budget—was made by the law of December 22, 1931, which assigned to republican and local budgets a certain percentage of the business turnover tax on republican and local enterprises, as well as a certain percentage of the business turnover tax on All-Union enter-

prises and on those All-Union undertakings which exploit the natural resources of the respective republics and regions, notably gold, oil and cotton. Cf. report of G. F. Grinko, People's Commissar of Finance, to the Central Executive Committee of the Union, *Izvestia*, December 30, 1931.

49. A. A. Santalov and Louis Segal, *Soviet Union Year Book, 1930* (London, Allen and Unwin, 1931), p. 423.

50. The organization and functions of the Commissariat of



to rationalize the technique of administration, to draft plans for changes in the structure of state organs and to coordinate their work, to examine and analyze Union and republican budgets, as well as all plans of production, to request information from government institutions and officials on matters under investigation, and to assist them in the selection and training of personnel. Finally, the RKI conducts periodic "cleansings" of the state apparatus, in the course of which the work of all government institutions is minutely checked, and employees who have been found inefficient may be summarily dismissed, exiled or even shot.<sup>51</sup>

### THE OGPU

In its unrelenting struggle against all administrative abuses, whether bureaucracy, negligence or counter-revolutionary "wrecking" and sabotage, the Soviet government is further assisted by the State Political Administrations (GPU) which were established in each of the Union republics following the abolition of the famous revolutionary tribunal, the Extraordinary Commission (*Cheka*) in 1922, and by the Unified Political Administration of the Union (OGPU), organized in 1923.<sup>52</sup> The OGPU, which is attached to the Union Council of People's Commissars, is an extensive system of secret police, somewhat similar to the "Third Division" of the Tsarist chancellery, devoted to the suppression of political unrest, and is charged with the task of consolidating "the revolutionary efforts of the republics in their struggle against political and economic counter-revolution, espionage and banditism," and of protecting the frontiers of the Union.<sup>53</sup> Special military units, whose number is determined by the STO and which now total 45,000, are placed at the disposal of the OGPU which may, without consulting the regular police or the courts, arrest, im-

prison, exile or sentence to death any person suspected of counter-revolutionary tendencies. The activities of the OGPU, whose president is appointed by the Union Presidium, are nevertheless subject to supervision by the Prosecutor of the Supreme Court of the Union, who may participate in the prosecution of persons accused by the OGPU.<sup>54</sup>

"Counter-revolutionary," as distinguished from ordinary, crimes are defined as acts which seek to weaken, undermine or overthrow the Soviet government, to endanger the external security of the Union or to injure the economic and political order established by the proletarian revolution.<sup>55</sup> Such crimes are held to include armed revolt; seizure of power at the centre or in the provinces for the purpose of detaching territory from the Union or of violating Soviet treaties with foreign states; the maintenance of relations with foreign governments or their agents with a view to obtaining assistance for the overthrow of the Soviet government; the "wrecking" of industrial, trade and credit enterprises in the interests of former "bourgeois" owners or of capitalist states; propaganda or agitation advocating the overthrow of the Soviet government or directly inciting to counter-revolutionary crimes, especially when it seeks to arouse religious or national prejudices; and failure to report any of the above crimes. The punishment prescribed in such cases ranges from various terms of imprisonment, the maximum being ten years, to permanent exile from the Union with confiscation of property, or shooting—the "highest measure of social defense."

The work of the OGPU is shrouded in the greatest secrecy; arrests are usually made by night, and practically no information regarding the subsequent fate of the arrested persons appears in the Soviet press. Occasionally, however, when so-called "counter-revolutionaries" are brought before the ordinary courts, reference is briefly made in the act of accusation to preliminary investiga-

Workers' and Peasants' Inspection are defined in a decree of November 12, 1923; *Sbornik Postanovlenii i Rasporiazhenii*, 1923, cited, No. 24, p. 386. For an English text of this decree, cf. Batsell, *Soviet Rule in Russia*, cited, p. 611.

51. For details of the "cleansing" procedure, cf. Kudryashev, "Predvaritelnye Itogi Chistki Sovetskovo Apparata v S.S.S.R." (Preliminary Results of the "Cleansing" of the Soviet Apparatus in the U.S.S.R.), *Sovetskoe Stroitelstvo*, May-June 1931, p. 1.

52. The organization and functions of the OGPU are defined in a decree of November 15, 1923, *Sbornik Postanovlenii i Rasporiazhenii* (1923), cited, No. 22. For the English text of this decree, cf. Batsell, *Soviet Rule in Russia*, cited, p. 609.

53. The special frontier units of the OGPU must combat all attempts to introduce arms or literature illegally into the country, or to cross the frontiers for the purpose of committing counter-revolutionary crimes. Cf. the decree of the Presidium of the Union Central Executive Committee, June 15, 1927, *Sobranie Zakonov* (1927), cited, Part I, p. 1219.

54. Cf. Law Regarding the Supreme Court of the U.S.S.R. and the Prosecutor of the Supreme Court of the U.S.S.R., July 24, 1929, *Sobranie Zakonov* (1929), cited, Part I, p. 1,000. For the functions of the Union prosecutor, cf. p. 26.

No official statistics have been published on the number of OGPU executions during the last few years. The first president of the OGPU was Felix Dzerzhinsky, former head of the *Cheka*, who was succeeded in 1925 by Vyacheslav Menzhinsky.

55. Cf. Law regarding State Crimes, Crimes Against the Administration and Counter-Revolutionary Crimes Especially Dangerous for the U.S.S.R., February 25, 1927, *Sobranie Zakonov* (1927), cited, Part I, p. 283.

tions conducted by the OGPU. Such was the case in two spectacular public trials—the Schakhti trial in 1928, when a number of engineers and mechanics, including three Germans, were accused of sabotage in the Donetz coal mines, and the Ramzin trial in 1930, when eight engineers were accused of plotting to “wreck” various industries and to overthrow the Soviet government with the aid of their former “bourgeois” employers, then living abroad in exile, and of capitalistic states, notably France.<sup>56</sup> These trials would indicate that, following the inauguration of the Five-Year Plan, when the economic activities of the Soviet state not only merged with its political activities but came to overshadow them in the public mind, and when the government had more to fear from economic failure than from political opposition, the OGPU gradually shifted its surveillance from “counter-revolutionary” movements such as “Trotzkyism,” which it had worked to eradicate in 1927, to engineers and technical experts, particularly those formerly associated with the old régime. This surveillance, as indicated in a previous report,<sup>57</sup> proved a serious obstacle to the development of Soviet industry. The position of the technical intelligentsia, however, was considerably improved in the summer of 1931, when Stalin declared that it would be “stupid and senseless” to regard “practically every engineer of the old school” as a “potential criminal or ‘wrecker.’”<sup>58</sup> At the present time the OGPU may arrest experts only when irrefutable evidence of their guilt has been submitted to the director of the undertaking in which they are employed.

### THE SOVIET JUDICIARY

The regular courts, which deal with ordinary crimes, such as murder, and with civil actions, take jurisdiction over “counter-revolutionary” crimes only when these are referred to them by the Prosecutor. There

being no system of federal courts,<sup>59</sup> justice is administered through the courts of the several Union republics. The Soviet judiciary is not an independent organ of the government, but an administrative department charged with the defense of the social order established by the proletarian revolution against attacks by individuals or classes hostile to it.<sup>60</sup> In the early days of Soviet rule, the judiciary was regarded as primarily an instrument of class justice. This conception, however, was somewhat modified after the introduction of the New Economic Policy in 1921, which tolerated the existence of the “petty bourgeoisie”—*kulaks* and private traders. While the courts continue to be guided by class policy in the administration of justice, they seek to protect all citizens, irrespective of social origin, against offenses of an anti-Soviet character, even when committed by workers or peasants.

The organization of the judiciary is uniform throughout the Union, and consists of a people's court, a regional (*krai* or *oblast*) court, and a Supreme Court in each Union republic.<sup>61</sup> Variations from this system, to meet the cultural, administrative or economic needs of certain regions, may be made only with the consent of the Union Central Executive Committee—a provision which has been criticized as tending toward undue centralization.<sup>62</sup> The Soviet judicial system is based on two main principles—that it must be simple and easily accessible to the population, and that it must be so organized as to permit the performance of judicial functions exclusively by persons elected by the soviets from the laboring masses.<sup>63</sup> An early revolutionary decree provided for the “democratic election” of judges—presumably direct election by the population.<sup>64</sup> At the present time, however, judges of the people's and regional courts are appointed by the executive committees of the regional congresses,<sup>65</sup>

56. Cf. *Le Procès des Industriels de Moscou, 25 Novembre—8 Décembre 1930, Sténographie Intégrale des Débats du Procès des Industriels de Moscou* (Paris, Librairie Valois, 1931). The act of accusation in the Ramzin trial stated: “In the course of the past two years the GPU has discovered sabotage organizations in various branches of industry, one after the other. After the Schakhti sabotage group, a sabotage organization was discovered in the People's Commissariat of Transportation. After sabotage in transportation came the discovery of sabotage organizations in the war and textile industries, in naval construction, economic construction, chemical products, the gold and petroleum industries, etc.” *Ibid.*, p. 1.

57. Dean, “The Political Structure of the Soviet State: The Communist Party,” cited, p. 9.

58. Cf. Stalin's speech on “New Economic Problems,” *The Soviet Union Review*, July-August 1931, p. 152.

59. Cf. p. 25.

60. Basic Principles of the Judicial Organization of the U.S.S.R., 1924, *Sobranie Zakonov* (1924), cited, Part I, p. 366.

61. In the autonomous republics the Supreme Court is usually replaced by a court described as “principal” or “highest.”

62. N. V. Krylenko, *Sud i Pravo v S.S.S.R.* (Law and the Courts in the U.S.S.R.), Moscow, State Publishing House, 1927, p. 30.

63. *Ibid.*, p. 39.

64. Decree No. 1 Regarding the Courts, November 24, 1917. N. V. Krylenko, *Sudoustroistvo. R.S.F.S.R.* (The Judicial Organization of the R.S.F.S.R.), Moscow, Juridical Publications of the People's Commissariat of Justice, 1924, p. 209. Krylenko described this decree as “a vestige of the liberal terminology of pre-revolutionary days.” *Idem.*, *Sud i Pravo v S.S.S.R.*, cited.

65. Judges in people's courts may in some instances be appointed by town soviets. Cf. Judah Zelitch, *Soviet Administration of Criminal Law* (Philadelphia, University of Pennsylvania Press, 1931), p. 54.

to which they are responsible and by which they may be recalled, while the judges of the Supreme Court in each Union republic are appointed by the republican executive committee. Candidates for the bench must have the right to vote, must have served either in the judiciary<sup>66</sup> or in workers' and peasants', professional or party organizations and in the case of regional and Supreme Court judges, must have served as judges in the people's courts.

The people's court, which is the basic unit of the judicial system, consists of a judge and two co-judges (or "judge jurors") who have equal powers with the judge in the administration of justice. The co-judges, each of whom serves not more than six consecutive days in one year, are chosen from a panel prepared by a special committee from lists of persons elected for that purpose by village, factory and other soviets. No special training or experience is required for the office of co-judge. Trial by jury, which had never been widely used in Tsarist Russia, is unknown in the Soviet Union. The jurisdiction of the people's courts, which serve as trial courts, is being constantly broadened, with the result that they now handle over seventy per cent of the total cases.

The regional courts are usually composed of a president, two deputy presidents, permanent judges whose number is in each case determined by law, and co-judges whose selection is subject to the approval of the regional executive committee. They serve as courts of cassation and supervision for cases first tried in the people's courts, and have original jurisdiction over counter-revolutionary crimes, offenses against the administration, crimes committed by officials in the exercise of their duties, economic offenses (such as malfeasance or misfeasance in office), and ordinary crimes against life, health, liberty and property.<sup>67</sup>

The organization of the Supreme Court in each of the Union republics is determined by republican legislation. The Supreme Court

serves as a court of cassation for cases referred to it from regional courts, and has original jurisdiction over cases of exceptional importance referred to it by the republican central executive committee, the prosecutor of the republic or the president of the GPU, as well as over cases involving offenses in office committed by members of the republican government.

#### SUPREME COURT OF THE UNION

The Soviet Union has no federal judiciary as distinguished from the three types of courts found in the Union republics. The Union constitution, however, provides for a Supreme Court of the Union which, like other Soviet courts, is not an independent institution, but is "attached" to the Union Central Executive Committee.<sup>68</sup> The Supreme Court examines cases involving offenses committed in office by members of the Union government; deals with conflicts between the constituent republics, and may appeal against them to the Union Central Executive Committee on the ground that they contradict the general legislation of the Union or affect the interests of other republics; finally, at the request of the Central Executive Committee, it renders opinions regarding the constitutional validity of acts and decrees of organs of Union and republican government. These opinions, however, have the force, not of a decision, but of expert legal advice, and may or may not be approved by the Central Executive Committee.<sup>69</sup>

The Supreme Court consists of a president, a deputy president and thirty judges, all appointed by the Union Presidium, and is divided into three chambers—civil, criminal and military. That the Supreme Court is charged with the protection not only of the interests of the Union, but of those of the Union republics as well, is indicated by the fact that the presidents of the supreme courts of the seven republics participate in the plenary sessions of the court.

In addition to the regular courts, the Soviet Union has several courts and commissions which deal with special questions. Thus property disputes between organs of

66. This provision has been criticized by Krylenko, who argues that a judge requires no other qualification than experience in political or social work in workers' and peasants', professional or party organizations. He demanded that the work of the courts be simplified, so that every citizen possessing an average political and cultural education could grasp the questions in litigation without difficulty. (Krylenko, *Sud i Pravo v S.S.S.R.*, cited, p. 47.)

67. Cf. Zelitch, *Soviet Administration of Criminal Law*, cited, p. 68-71.

68. The organization and functions of the Supreme Court are defined in Chapter VII of the Union constitution, and in the Law Regarding the Supreme Court of the U.S.S.R. and the Prosecutor of the Supreme Court of the U.S.S.R., July 24, 1929, cited, which superseded the earlier law of July 14, 1924.

69. Cf. Zelitch, *Soviet Administration of Criminal Law*, cited, p. 100.



the government are examined by arbitral commissions attached to the Council for Labor and Defense, the economic councils of the republics and the regional soviets. Disputes concerning land organization are referred to land commissions, while infractions of the labor code are dealt with by special chambers of the people's courts. Cases of juvenile delinquency are examined by commissions on the affairs of minors, which are composed of representatives of the commissariats of justice, health and education in each of the Union republics. Finally, military crimes and serious breaches of military discipline come within the jurisdiction of military tribunals, whose decisions are subject to review by the military chamber of the Supreme Court of the Union.

The administration of law is supervised by the Prosecutor (*Procurator*) of the Supreme Court of the Union and by republican, regional and local prosecutors who, in addition to their courtroom duties, are authorized to inquire into the "legality of the acts of all government organs, economic institutions, public and private organizations and of private persons," including the OGPU.<sup>70</sup> The Prosecutor of the Supreme Court of the Union, who is appointed by the Union Presidium and is responsible to it alone, also occupies the office of People's Commissar, or deputy commissar, of Justice. Republican prosecutors are appointed by the central executive committees of the republics and, in turn, name regional and local prosecutors. The Soviet prosecutor enjoys powers equal to those of the courts, and occupies a subordinate position only during trials, when he appears as one of the parties in both civil and criminal cases.

As there are no private lawyers, the defense of accused persons is entrusted to a "college of advocates" which functions under the direct supervision of the courts,<sup>71</sup> and must render legal aid to the population, either for a stipulated remuneration, or without charge when the court rules that the defendants are unable to pay. The "college of advocates," which is a semi-autonomous organization, has been criticized on the ground that it is inconsistent with the spirit of Soviet law, and that legal advice should

be furnished to workers not by specialists, but by trade and professional organizations.<sup>72</sup>

Soviet law, as has already been noted, draws a sharp distinction between "counter-revolutionary" crimes, which are regarded as socially dangerous, and ordinary crimes against life and property.<sup>73</sup> The avowed purpose of Soviet criminal legislation is not revenge or punishment, but the prevention of crime and the re-training of criminals for normal life. As a result, the penalty for ordinary crimes is much lighter than for "counter-revolutionary" ones. Thus death sentences, which are frequent in cases of administrative or economic mismanagement, embezzlement of government funds and other acts considered as crimes against the state, are seldom pronounced in ordinary murder cases. Punishment usually takes the form of forced labor for not more than one year or imprisonment for a maximum of ten years, and deprivation of civic rights for a period not exceeding five years. The latter penalty carries with it disfranchisement and expulsion from trade and professional unions, whose members enjoy important privileges, including ration cards and the right of admission to cooperative stores.

The courts are instructed to differentiate between various crimes on the basis of motivation and of the social origin of the criminal. Thus severe punishment must be meted out when the crime has been committed for the purpose of restoring the "bourgeois" government or, if not aimed directly against the Soviet state or the working class, is potentially harmful to them; when the crime is motivated by greed or accompanied by unusual cruelty; and when the criminal was or is connected with the "exploiting" classes. Conversely, milder punishment is prescribed when the crime has been committed either in self-defense or for the protection of the Soviet government; when it has been dictated by hunger, want, or strong emotion, or has occurred as a result of ignorance; and when the criminal is either a worker or a peasant.<sup>74</sup>

#### THE RED ARMY

While the OGPU and the ordinary courts are charged with the protection of internal

70. Basic Principles of the Judicial Organization of the U.S.S.R., 1924, cited, Section 63.

71. *Ibid.*, Section 11.

72. Krylenko, *Sud i Pravo v S.S.S.R.*, cited, p. 122.

73. Fundamental Principles of the Criminal Legislation of the U.S.S.R. and of the Union Republics, October 31, 1924, *Sobranie Zakonov* (1924), cited, Part I, p. 372.

74. *Ibid.*

order, the external defense of the Soviet Union is entrusted to the Red Army of Workers and Peasants (RKKA) organized in February 1918.<sup>75</sup> During the period of civil war and intervention, when the Soviet government had to repulse attacks on several fronts, the Red Army numbered nearly five million men. The danger over, the government faced the task of demobilizing this army, organized almost overnight by Leon Trotzky, then People's Commissar of War, and releasing men for productive work, while assuring the country's adequate defense. At the Ninth Congress of the Communist Party in 1920, Trotzky declared that the regular army should be limited in numbers. So limited an army, however, was not sufficient, in his opinion, for the defense of the Soviet Union's far-flung frontiers. He therefore proposed to establish, in addition to the regular army, a territorial militia which would have the advantage, that its members would remain in contact with production in fields and factories. The units of this militia should correspond to the country's administrative divisions, and should be actively supported by trade and professional unions. Under this system, every member of the population capable of bearing arms would eventually be included in a military unit and would receive some form of military training.<sup>76</sup> Trotzky's thesis was supported by his successor, Michael Frunze, who stated in 1925 that "the surest guarantee of peace is not only a pacific policy, but a strong Red Army," and that the Soviet Union needed a system of defense which, in time of war, would bring to the battlefield not only professional soldiers, but trained masses of workers and peasants as well.<sup>77</sup>

The complete realization of Trotzky's military scheme has so far been prevented by the country's cultural backwardness and by financial considerations. At the present time

the Red Army is recruited on the basis of compulsory service for all men between the ages of nineteen and forty.<sup>78</sup> Every year some 1,200,000 men become eligible for service, of whom some 300,000 are rejected as physically unfit. Of the remaining number about 450,000 are accepted for a two-year term of active service, about half going into the regular army of 562,000, which includes land, sea and air forces, while half are taken into the territorial militia.<sup>79</sup> Persons enlisted in the militia continue their work in office, field or factory, but receive military training in their respective administrative districts and participate in annual manoeuvres. In addition, voluntary courses in rifle practice, the use of gas masks and the operation of tanks and military lorries are organized for men who have failed to gain admittance to the army or to the militia, as well as for women and even children. These courses are sponsored primarily by two civilian organizations—*Avtodor*,<sup>80</sup> which is concerned with the development of transportation and the training of automobile drivers, and *Osoviachim*,<sup>81</sup> an organization of over 10,000,000 workers, Young Communists, students and women,<sup>82</sup> which seeks to increase the country's preparedness for air and chemical warfare.

While military service is compulsory for all citizens, the armed defense of the country is regarded as a privilege of the proletariat: as a result, the Red Army consists predominantly of workers and peasants. Persons disfranchised for political or other reasons are assigned to rear guard units and, in addition, must pay a special military tax.<sup>83</sup> In 1930 peasants constituted 57.9 per cent of

78. Law Regarding Compulsory Military Service, September 16, 1925. *Sobranie Zakonov* (1925), cited, Part I, p. 850 et seq.

79. W. H. Chamberlin, *Soviet Russia* (Boston, Little, Brown, Revised Edition, 1931), p. 127; *Kalendar-Eshchepodnik Kommunist*, cited, p. 358; N. P. Vishnyakov and F. I. Arkhipov, *Ustroistvo Vooruzhennykh Sil S.S.S.R.* (The Organization of the Armed Forces of the U.S.S.R.), Moscow, "The Military Messenger," 1926.

80. The full name of this organization is *Obschestvo Sodeistviya Razvitiyu Avtomobilizma i Uluchsheniyu Dorog* (Society for the Development of Automobilsim and the Improvement of Roads).

81. The full name of this organization is *Obschestvo Druzel Oborony i Aviazionno-Khimicheskovo Stroitelstva S.S.S.R.* (Society of Friends of the Defense and Aerial-Chemical Construction of the U.S.S.R.).

82. S. Kamenev, "Na Strazhe Sozialisticheskovo Stroitelstva" (Protection of Socialist Construction), *Sovetskoe Stroitelstvo*, cited, No. 3, 1931, p. 19.

83. This tax goes into a fund for the assistance of invalids of the civil war and of the families of men called to active service. Citizens excused from military service on religious grounds may be used in time of peace for fighting epidemics or forest fires, while in time of war they may be organized into special units. Amendment to the Law Regarding Compulsory Military Service, February 8, 1927, *Sobranie Zakonov* (1927), cited, Part I, p. 223.

75. For the history and organization of the Red Army, cf. A. Geronimus, *Partiya i Krasnaya Armiya* (The Party and the Red Army), Moscow, State Publishing House, 1928; I. Petukhov, *Partinaya Organizatsiya i Partinaya Rabota v RKKA* (Party Organization and Party Work in the Red Army of Workers and Peasants), Moscow, State Publishing House, Division of Military Literature, 1928; B. Tal, *Istoriya Krasnoi Armii* (The History of the Red Army), Moscow, State Military Publications, 1924.

76. Russian Communist Party, *Deviaty Syezd Rossiiskoi Kommunisticheskoi Partii* (Ninth Congress of the Russian Communist Party), March 29-April 4, 1920, Stenographic Report, Moscow, State Publishing House, 1920, p. 353 et seq.

77. Union of Soviet Socialist Republics, *Tretii Syezd Sovetov S.S.S.R.* (Third Congress of Soviets of the U.S.S.R.), Twelfth Session, May 19, 1925, Stenographic Report, Moscow, Publications of the Central Executive Committee of the U.S.S.R., 1925, p. 488.

the army, while factory workers formed 32.9 and office employees 8.8 per cent. Nearly half of the army are Communists, 129,000 being members of the party and 130,000 members of the *Komsomol*. The commanding personnel, which is recruited partly from soldiers who have received special training and partly from graduates of military schools, is likewise predominantly of working-class origin, and some fifty per cent are Communists.<sup>84</sup> While discipline is strictly enforced, officers enjoy no special privileges and their relations with the soldiers are unusually democratic in character.

The armed forces of the Soviet Union are controlled by the People's Commissar for Defense through the Revolutionary War Council, of which he is president and the Commander-in-Chief a member. This council has immediate supervision not only over the military staffs, but also over the Political Section (PUR) which directs education and propaganda in the army. By means of various courses, clubs, permanent and itinerant libraries and wall-newspapers the PUR, with the cooperation of Red Army party cells, supplies the rudiments of literacy and "political grammar" to soldiers many of whom, especially peasants, come into the army illiterate. The Red Army thus serves as an important training-ground for Communism.<sup>85</sup>

Critics of the Soviet government find a marked divergence between the existence of a powerful military machine in the Soviet Union and M. Litvinov's periodic demands in Geneva for complete and universal disarmament. Soviet spokesmen, however, assert that the Soviet Union, which appropriated about \$639,250,000 for armaments in 1931, has an army smaller than the combined armies of its Western neighbors, that it spends less on armaments per capita than any one of the states along its Western border,<sup>86</sup> and that its total military expenditures constitute only five per cent of the country's

budget. It might be argued, however, that the Soviet government, in its calculations of comparative strength appears to leave its militia out of account, and that budgetary comparison is misleading, since the Soviet budget includes industry, agriculture and other branches of national economy which in capitalist countries are owned by private interests.

## CONCLUSION

The Soviet government, nevertheless, declares that it urgently desires peace and that the Red Army is designed, not for wars of national aggression, but for the defense of the first workers' republic against capitalist attack and, eventually, for the defense of the world proletariat. There can be little doubt that today, and for the immediate future, war would be directly contrary to Soviet interests, since it might seriously jeopardize the progress of the Five-Year Plan, and that Stalin was sincere when he said at the Sixteenth Congress of the Communist party in 1930: "Our policy is a policy of peace . . . We do not want a foot of alien soil, but we shall not surrender an inch of ours." The fact remains, however, that the war mentality cultivated in the Soviet Union constitutes a disturbing factor in Eastern Europe.

While fear of Soviet aggression may be somewhat mitigated in the future by the non-aggression treaties which the U.S.S.R. concluded early in 1932 with Finland, Poland and Latvia, and is negotiating with France and Rumania, it may be doubted that it will be entirely dispelled as long as the spectre of Communist world revolution continues to haunt an economically weakened Europe. Observers hostile to Soviet rule concede that a proletarian revolution in capitalist states, which might disrupt the foreign trade of the U.S.S.R. and thus delay the progress of the Five-Year Plan, would not be welcomed in Moscow at the present time. They contend, however, that Stalin's abandonment of revolutionary propaganda in favor of "building socialism in one country" is only a temporary expedient designed to assure the success of the Five-Year Plan, and that it does not imply definitive renunciation of world revolution by the Soviet government.

84. *Kalendar-Ezhegodnik Kommunisti*, 1931, cited, p. 490. Tsarist officers constituted only 10.6 per cent of the Red Army in 1930, and 6.7 per cent of the higher commanding personnel.

85. For a detailed study of the methods employed by the PUR, cf. Harper, *Civic Training in Soviet Russia*, cited.

86. This contention is not entirely supported by the League of Nations' compilation of per capita expenditure on land, naval and air forces, based for the most part on information furnished by the various governments, which are as follows: U.S.S.R., \$3.58; Poland, \$3.07; Rumania, \$3.43; Lithuania, \$0.002; Latvia, \$3.99; Estonia, \$4.41; Finland, \$4.59. Cf. William T. Stone, "The Burden of Armaments," *Foreign Policy Reports*, Vol. VII, No. 20, December 9, 1931, p. 377.